

Message

From: Libelo, Laurence [Libelo.Laurence@epa.gov]
Sent: 6/28/2021 6:06:45 PM
To: Taylor, Timothy [Taylor.Timothy@epa.gov]; Gaines, Linda [Gaines.Linda@epa.gov]
CC: Birchfield, Norman [Birchfield.Norman@epa.gov]
Subject: RE: In case helpful: TSCA definition of PFAS for purposes of a June 28 2021 proposed TSCA reporting rule

Thanks Tim,

"R-(CF₂)-C(F)(R')R". Both the CF₂ and CF moieties are saturated carbons and none of the R groups (R, R' or R") can be hydrogen.

is similar but more inclusive than the definition we worked out for the OPPT rules starting in about 2005. Most of the OPPT rules say something similar with

"...R=any chemical moiety..." to include the salts/precursors/other chemicals that may not have CAS#s but we know form the acid ions the same as COO⁻ or SO₂⁻. Rather than try to identify each specific chemical and then play whack-a-mole as industry changed the R groups to avoid the rules we went with a broad definition.

This definition is about the same as what Norm suggested last year. Anything with one fully fluorinated carbon and another carbon with one or more F attached.

It avoids drugs and pesticides as they mostly have only a CF₃ attached. It will include 10,000++ other chemicals.

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From: Taylor, Timothy <Taylor.Timothy@epa.gov>
Sent: Monday, June 28, 2021 1:10 PM
To: Gaines, Linda <Gaines.Linda@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>
Cc: Birchfield, Norman <Birchfield.Norman@epa.gov>
Subject: FW: In case helpful: TSCA definition of PFAS for purposes of a June 28 2021 proposed TSCA reporting rule

Linda/Lawrence:

This definition isn't likely news to either of you, but figured I'd make sure.

More of a reminder that OLEM needs to make sure our definition is well-considered.

-Tim

From: Cuthbertson, Becky <Cuthbertson.Becky@epa.gov>
Sent: Monday, June 28, 2021 9:51 AM
To: Crincoli, Klara <Crincoli.Klara@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Helms, Greg <Helms.Greg@epa.gov>; Chaudhari, Narendra <Chaudhari.Narendra@epa.gov>; Kirkland, Kim <Kirkland.Kim@epa.gov>; Strock, Troy <strock.troy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Hodes, Colette <Hodes.Colette@epa.gov>; Taylor, Timothy <Taylor.Timothy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Grant, Brian <Grant.Brian@epa.gov>; Freed, Elisabeth <Freed.Elisabeth@epa.gov>

Subject: In case helpful: TSCA definition of PFAS for purposes of a June 28 2021 proposed TSCA reporting rule

Hi,

Today there was a proposed rule published in the Federal Register for reporting on manufacturing and use of certain PFAS under TSCA authority. The preamble description of what falls into the definition of PFAS at 86 FR 33929 describes it as:

Reportable chemicals substances.

Under TSCA section 8(a)(7), EPA must collect information on chemical substances that are “perfluoroalkyl or polyfluoroalkyl” substances or PFAS. EPA has determined that any PFAS that fall within the structural definition, described below, are the PFAS referred to in TSCA section 8(a)(7). For this proposed rule, EPA has identified at least 1,364 chemical substances and mixtures that are PFAS and would potentially be subject to reporting under the final rule, if they have been manufactured in any year since January 1, 2011. For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF₂)-C(F)(R')R''. Both the CF₂ and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen. It should be noted that this structural definition of PFAS is a working definition which has been used by EPA's Office of Pollution Prevention and Toxics when identifying PFAS on the TSCA Inventory. This definition may not be identical to other definitions of PFAS used within EPA and/or other organizations. To assist potential reporters with determining whether certain substances may be covered under this structural definition, EPA has identified specific PFAS covered by this proposed rule. These will be included as non-exhaustive examples in the rule where it is possible to do so without divulging information claimed as CBI.....

the proposed rule text for 40 CFR 705.3 reads:

Per- and polyfluoroalkyl substances or PFAS, for the purpose of this part, means any chemical substance or mixture that structurally contains the unit R-(CF₂)-C(F)(R')R''. Both the CF₂ and CF moieties are saturated carbons. None of the R groups (R, R' or R'') can be hydrogen.

Full proposal is attached.